

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

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SIEMENS MEDICAL SOLUTIONS USA,  
INC.,

Plaintiff,

Civil Action No. 07-190 (SLR)

v.

**REDACTED  
PUBLIC VERSION**

SAINT-GOBAIN CERAMICS & PLASTICS,  
INC.,

Defendant.

-----X

**DECLARATION OF FREDERICK L. WHITMER**

Frederick L. Whitmer, of full age, declares as follows:

1. I am a member of the firm of Thelen Reid Brown Raysman & Steiner LLP, counsel for Defendant Saint-Gobain Ceramics & Plastics, Inc., ("Saint-Gobain") in the above-captioned action. I have been admitted pro hac vice to appear for Saint-Gobain in this action. I submit this declaration upon personal knowledge, in support of Defendant's Motion in Opposition to Plaintiff's Application for a Preliminary Injunction.

2. Attached hereto as Exhibit A are true copies of pages from the transcript of the deposition of Markus Lusser taken in this action, which pages are referenced in Saint-Gobain's memorandum of law..

3. Attached hereto as Exhibit B are a true copies of pages from the transcript of the deposition of Marvin J. Weber, Ph. D, which pages are referenced in Saint-Gobain's memorandum of law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2007.

A handwritten signature in black ink, appearing to read 'F. Whitmer', is written over a horizontal line.

FREDERICK L. WHITMER

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2007, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF which will send notification of such filing to the following and which has also been served as noted:

**BY ELECTRONIC MAIL AND HAND DELIVERY**

Jack B. Blumenfeld  
Maryellen Noreika  
Morris, Nichols, Arsht & Tunnell LLP  
1201 North Market Street  
Wilmington, DE 19899

I hereby certify that on October 30, 2007, the foregoing document was sent to the following non-registered participants in the manner indicated:

**BY ELECTRONIC MAIL AND FEDERAL EXPRESS**

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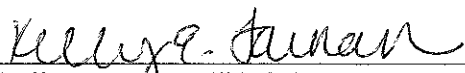
  
\_\_\_\_\_  
Kelly E. Farman (#4395)

EXHIBIT A

REDACTED  
IN ITS  
ENTIRETY

# EXHIBIT B

REDACTED  
IN ITS  
ENTIRETY